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ABSTRACT

This paper analyzes the preschool special education eligibility classifications and criteria used by states and the District of Columbia in compliance with Part B of the Individuals with Disabilities Education Act. Four types of eligibility classifications are described: use of only Part B disability categories; use of Part B categories plus a preschool-specific category/classification; use of some, but not all, Part B categories and a preschool-specific category that replaces omitted Part B categories; and use of no Part B categories. States' use of quantitative and qualitative criteria for preschool-specific category/classification is examined, with a state-by-state summary chart. The chart specifies the type of eligibility classification, the preschool-specific classification and criteria used for it, and notes on the use of Part B categories. (JDD)

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Preschool Special Education Eligibility Classifications and Criteria

by

Joan Danaher

The identification of children, 3 through 5 years of age, in need of special education and related services has been an issue with advocates, service providers, parents, researchers, and policy makers for years. The enactment in 1975 of P. L. 94-142, the Education for All Handicapped Children Act (EHA), required states to identify children for whom they provided special education and related services by the disability categories enumerated in the law (hereinafter referred to as Part B categories). This hard-won legislation was deemed an important civil rights act for children with disabilities, and it was important to specify just who was protected by this law.

As implementation of this legislation continued throughout the late 1970s and into the 1980s, concerns were raised in some quarters about how applicable and appropriate some of the disability categories are for very young children. The research community was, and remains, concerned that among preschoolers, some developmental domains are so interrelated — e.g., cognition and language — that the disability resulting in the developmental delay or dysfunction is not readily determined. The need to identify a disability in order to provide access to services may result in hasty diagnoses and, perhaps, inappropriate services. Some advocates maintain that identifying some disabling conditions in the early years creates a self-fulfilling prophecy and unfairly stigmatizes children, who, with early intervention, may not continue to need special education.

In response to these concerns and to support states that had begun using noncategorical eligibility criteria for preschoolers, Congress incorporated several revisions addressing eligibility for preschoolers in subsequent reauthorizations of the EHA. In 1986, P. L. 99-457, which encouraged states to serve all eligible children with disabilities from age 3, permitted states to provide counts to the U.S. Department of Education of preschool-age children served by a generic category of their choosing, rather than by the disability categories to which school-age children were assigned and by which they were reported. In 1991, P. L. 102-119 amended the law, by then renamed the Individuals with Disabilities Education Act (IDEA), to allow states, at their option, to incorporate an additional disability category for children, age 3 through 5 years (referred to in this paper as a preschool-specific category). The Part B disability categories currently included in IDEA are displayed in Figure 1.

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In response to states' interest in how others are utilizing the disability categories and whether they have incorporated an eligibility category specific to 3- through 5-year-olds, the author, at NEC*TAS, analyzed the preschool special education eligibility classifications and criteria of the states and the District of Columbia. The data presented in this report were sent to state preschool special education coordinators for review in late spring of 1992. Corrections and clarifications provided by them have been incorporated into this report. The results of the analysis are presented below.

Types of Eligibility Classifications

The analysis of the eligibility policy documents provided to NEC*TAS by state preschool special education coordinators revealed four types of classifications: Type 1 — the use of Part B categories only; Type 2 — the use of Part B categories and a state-defined, preschool-specific category; Type 3 — the use of some, but not all, Part B categories and a preschool-specific category that replaces the omitted Part B categories; and Type 4 — the exclusive use of a preschool-specific or non-Part B category. Figure 2 portrays the states that are included in each type. Each of these types and their subtypes is described below.

Figure 1

Part B Disability Categories Under IDEA

(1)(A) The term "children with disabilities" means children —

(i) with mental retardation, hearing impairments including deafness, speech or language impairments, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and

(ii) who, by reason thereof, need special education and related services.

(B) The term "children with disabilities" for children aged 3 to 5, inclusive, may, at a State's discretion, include children —

(i) experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development; and

(ii) who, by reason thereof, need special education and related services.

IDEA, 1991; *see* 33 U.S. Code, Sec. 1401

Type 1. The 15 states grouped in Type 1 use only Part B disability categories as they existed prior to P. L. 102-119; that is, all disability categories except the additional preschool-specific category, which the law now permits, and traumatic brain injury, another new category that most states have not yet addressed. Eight of these states use the same eligibility criteria for all children, regardless of age and are characterized as subtype 1A in Figure 2.

In seven states, however, the criteria for some or all categories is modified for preschoolers. Modifications range from greater latitude given to multidisciplinary teams in selecting assessment instruments and procedures, to different scores or quantitative criteria used for preschoolers than for school-age children. This group is portrayed in Figure 2 as subtype 1B.

Type 2. These states use all of the Part B disability categories including an additional preschool-specific category or classification. The 16 states in this group are differentiated by whether the additional category is used freely or is used only as a "last resort" when another disability category cannot be clearly differentiated. Fourteen states, subtypes 2B and 2C in Figure 2, use the additional category freely. One of these states (subtype 2C) also has modified the criteria used for the Part B disability categories to make the criteria more appropriate for preschoolers.

Anecdotally, some states have reported that, for most of their 3- through 5-year-olds, eligibility for preschool special education is determined using the preschool-specific category, and that relatively few children are identified under the other disability categories. The Part B categories remain available for identifying preschoolers, but are seldom used. Only two states (subtype 2A) withhold the preschool-specific category for use only with those children who are ineligible under any other Part B category.

Type 3. The 11 states that use some, but not all, of the Part B categories, plus a preschool-specific

Figure 2

Four Types of Preschool Special Education Eligibility Classifications in the States and the District of Columbia (N = 51)

As of 4/1/92 *

Type (1)	15 states use only Part B disability categories. (1A) Categories are identical to those used for school age. n = 8 (DC IL IN MD ND NY OK TX) (1B) Criteria for some/all categories is modified for preschoolers. n = 7 (AL CA[1] FL IA NE NC WI)
Type (2)	16 states use Part B categories plus a preschool-specific category/classification. (2A) The preschool-specific category may be used when another category is not clearly differentiated. n = 2 (CO MI) (2B) The preschool-specific category is used freely. n = 13 (GA HI ME MN MT NV NH[2] OR PA RI TN UT VA) (2C) The preschool-specific category is used freely, and all Part B categories have modified evaluation procedures for preschoolers. n = 1 (KY)
Type (3)	11 states use some, but not all, Part B categories and a preschool-specific category that replaces omitted Part B categories. (3A) The preschool-specific category is used when a child does not qualify in other categories. n = 1 (WY) (3B) The preschool-specific category is used freely. n = 3 (ID WA[1] WV) (3C) Some / all of the remaining Part B categories used have modified definitions or criteria (scores, assessment, procedures) for preschoolers. n = 7 (AK AZ AR DE[3] LA MS SC)
Type (4)	9 states do not use any Part B categories for preschoolers. (4A) Preschool-specific category is used exclusively. n = 6 (KS MO NJ NM OH VT) (4B) States have noncategorical criteria for all ages. n = 3 (CT MA SD)

* This analysis included eligibility criteria in effect at the time of analysis, except for Colorado, Oregon, and Wyoming. In those cases, the most recent draft policy provided by the state's 619 Coordinator was used.

[1] CA and WA indicate that categorical criteria are used, but eligible children are referred to noncategorically.

[2] In NH, developmental delay is not an option for children identified as deaf, deaf-blind, or multihandicapped.

[3] Currently DE uses developmental delay for 3-year-olds only. Part B categories including preschool speech delay are used for 4-year-olds.

category, comprise the Type 3 group. The preschool-specific category is perceived as a more age-appropriate classification for children who might eventually be determined to have one of the disability categories omitted for preschoolers. The most frequently omitted categories are mental retardation (omitted in five states), serious emotional disturbance (omitted in five states), and specific learning disabilities (omitted in 10 states). Other categories associated with physical disabilities are omitted by smaller numbers of states. Most of the omitted Part B disability categories are subsumed under the criteria for the preschool-specific category. For example, the definition and criteria for "developmental delay" includes cognitive, physical, and social or emotional delays. The use of developmental delay in these cases precludes premature and perhaps stigmatizing labeling of young children.

The disability category of specific learning disabilities (SLD) presents different concerns for Type 3 states, and a paradox as well. Many professionals believe that SLD is, by definition (Office of Education, 1977; see 34 CFR 300.5(b)(9)), a school-age disability and not applicable to preschool children. Ten states do not use this disability category at all for preschoolers. Some advocates, on the other hand, argue that children who will later be identified as SLD may not be included in the eligible population as preschoolers. The paradox is that while states posit developmentally age-appropriate eligibility criteria and denounce premature labeling and stigmatizing, children with some disabilities may be denied services. It is clear that the precursors of SLD need more study, and that behaviors that are indicative of later SLD diagnoses must be incorporated into states' eligibility criteria for preschoolers.

Among the Type 3 states there are other practices of note. Three states (subtype 3B) use their preschool-specific category freely, and one (subtype 3A) withholds use of that category except when a child does not qualify in other categories. Seven states (subtype 3C) modify the definitions or criteria for preschoolers for the remaining Part B disability categories used.

Type 4. The nine states that do not use any of the Part B categories for preschoolers use a noncategorical designation exclusively. Six of these states (subtype 4A) use a preschool-specific disability category, and three states (subtype 4B) have noncategorical criteria for all ages.

Criteria for Preschool-Specific Eligibility Classifications

In addition to determining how states classify preschool children with disabilities, the NEC*TAS analysis also addressed the type of criteria associated with the preschool-specific classifications (i.e., how disability is determined).

These criteria range widely, including both quantitative and qualitative types of criteria. Quantitative criteria are those expressed in scores of some type or based on discrepencies in developmental versus chronological age. For states using standard deviations below the mean, the range is from 1.0 to 3.0 standard deviations (SD) below the mean in one developmental area; from 1.0 to 2.0 SD in two areas; and 1.5 SD in three or four areas in two states, respectively. The most frequently employed criterion (in 12 states) utilizing SD scores was a 2.0 SD in one developmental area or a 1.5 SD in two or more developmental areas. Among states using a criterion of delay expressed as a percentage of chronological age, the range is 25% to 50% delay in one developmental area, or 15% to 25% delay in two developmental areas. Two states use percentile scores — 6%ile and 7%ile, respectively. One state uses a "months delay" criterion. A summary of the quantitative criteria most frequently used by states for their preschool-specific classification is offered in Figure 3.

Eleven states use qualitative criteria, including professional judgment or informed clinical opinion, as an alternative to quantitative criteria or as the sole criterion for eligibility under the preschool-specific category. Eight states include diagnosed conditions associated with a high probability of disability as an alternative or sole criterion for eligibility under the preschool-specific category.

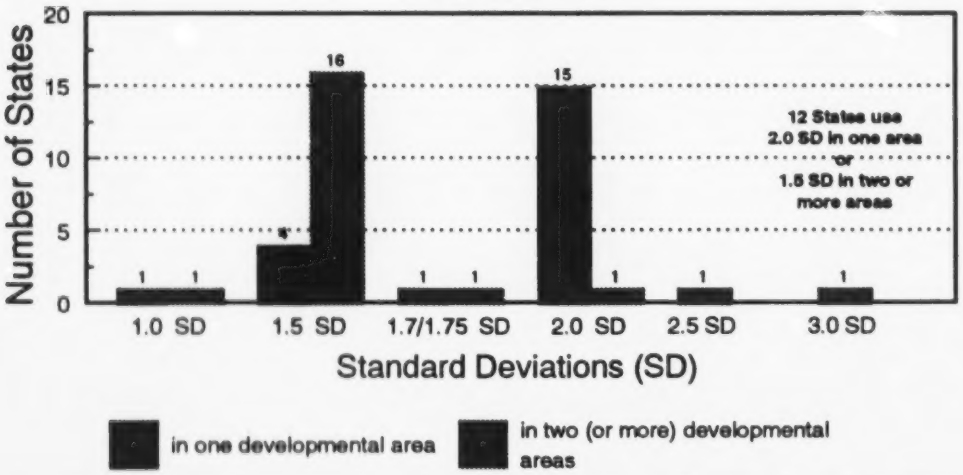
Table 1 is a state-by-state Summary Chart of Preschool Special Education Eligibility Classifications and Criteria in the States and the District of Columbia (N=51). The data presented in the table includes type of classification (referring to Figure 2), the preschool-specific classification and criteria used for it, and notes on the use of Part B categories, including whether they are used, omitted, or modified. This table was reviewed by state preschool special education coordinators in late spring of 1992, and has been revised according to their clarifications and corrections.

Figure 3

States' Use of Quantitative Criteria for Preschool-Specific Category/Classification

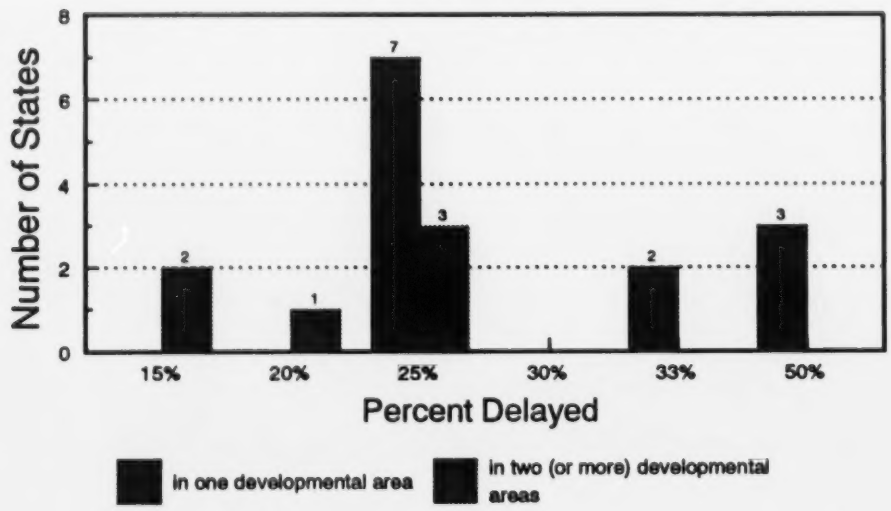
Delay Expressed as Performance Below the Mean on a Standardized Norm-Referenced Test

n = 42 states



Delay Expressed as Percent of Chronological Age

n = 18 states



Conclusion

NEC*TAS will continue to monitor the evolution of states' eligibility policies for preschool special education and will make this information available to states and other interested parties. If you have updates, questions, or clarifications, please address them to the author at NEC*TAS.

Reference

The Individuals with Disabilities Education Act Amendments of 1991, Publ. L. No. 102-119, 105 Stat. 587 (1991) (codified as amended at 20 U. S. C. Secs. 1400-1485).

Office of Education, Department of Health, Education, and Welfare. (1977, December 29). Assistance to states for education of handicapped children; Procedures for evaluating specific learning disabilities. *Federal Register*, *42*(250), 65082-6$085.

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Table 1

Summary Chart of Preschool Special Education Eligibility Criteria in the States and the District of Columbia as of 4/1/92

State (type)	Preschool-Specific Category/ Classification and Criteria[1]	Use of Part B Categories (Use, Modify, Omit)[2]
AL (1B)	[Professional judgment may be used in selecting assessment instruments and procedures for preschool children.]	Modify: Speech/language, deaf-blind, mentally retarded, multidisabled, orthopedically impaired, other health impaired, emotionally conflicted, learning disabled
AK (3C)	"Preschool handicapped": 2 SD *or* 25% delay in one area 1.7 SD *or* 20% delay in two areas	Omit: Learning disabled
AZ (3C)	"Moderately developmentally delayed": 1.5 SD *or* 25% delay in two areas "severely developmentally delayed": more than 3 SD *or* more than 50% delay in one area	Use Only: Hearing, vision impairment Modify: Speech/language
AR (3C)	"Preschool delayed": 2 SD in one area 1.5 SD in two areas	Modify: Speech/language; orthopedic, vision, hearing, multiple, or other health impairments; autism
CA (1B)	"Individual with exceptional needs": Children must meet the categorical criteria, but are then classified by this term	Modify: Learning disabled, speech language
CO (2A)	"Preschool child with a disability": 1.5 SD in one area *or* 7%ile *or* standard score of 76 *or* Has identifiable condition known to be associated with significant delays in development *or* Informed opinion of assessment team with written documentation	Use: All
CT (4B)	"Preschool children requiring special education": Professional judgment	Use: None (noncategorical)

1 — Criteria for preschool-specific eligibility categories typically reference a child's status in one or more developmental areas. The term "area" in this column refers to developmental area. Although states vary somewhat, most list five areas (or some variation): cognitive, language, physical, psychosocial, and self-help.
2 — Part B categories not specifically listed in this column are assumed to be used by the state, unless noted.
Use — as per criteria for school-age.
Modify — definition or criteria modified for preschoolers-state's terminology is used for any categories listed as modified.
Omit — these categories not used for preschoolers because children with these disabilities are assumed to be included in the preschool-specific categories.

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Table 1, *continued*

State (type)	Preschool-Specific Category/ Classification and Criteria[1]	Use of Part B Categories (Use, Modify, Omit)[2]
DE (3C)	"Developmental delay" - CA 3 only (categorical for CA 4): 1.75 SD or 25% delay in one area *or* Clinical judgment	Use Only (for CA 3): Preschool speech delay, autism, deaf-blind, hearing impairment, severe and trainable mental handicap, physical impairment, visual impairment Use: All (CA 4) Modify: Speech/language
DC (1A)	_____	Use: All
FL (1B)	"Prekindergarten exceptional students": categorical criteria	Modify: Speech/language, learning disabled, hearing impaired
GA (2B)	"Significantly developmentally delayed": 2 SD in one are 1.5 SD in two areas	Use: All
HI (2B)	"Early childhood learning impairment": 1.5 SD in one area	Use: All
ID (3B)	2 SD *or* 33% delay in one area 1.5 SD in two areas	Omit: Learning disabled
IL (1A)	_____	Use: All
IN (1A)	_____	Use: All
IA (1B)	"Preschool handicapped": categorical criteria	Modify: All
KS (4A)	"Eligibility for early childhood special education": 1.5 SD in one area *or* Diagnosed conditions *or* Professional judgment	Use: None (noncategorical)
KY (2C)	"Developmental delay": 2 SD in one area 1.5 SD in two areas *or* Professional judgment of atypical development if normed scores are inconclusive and there is written documentation	Modify: All (also note that categories include diagnosed conditions)

Table 1, *continued*

State (type)	Preschool-Specific Category/ Classification and Criteria[1]	Use of Part B Categories (Use, Modify, Omit)[2]
LA (3C)	"Noncategorical preschool handicapped": "mild/moderate or severe/profound functional impairment in a developmental area"	Use: Sensory impairment, physical impairment, severe language disordered, autism
ME (2B)	"Developmental delay": 2 SD *or* 25% delay in one area 1.5 SD *or* 15% delay in two area *or* 1 SD *or* 10% delay in one area, plus established biological risk factors	Use: All
MD (1A)	_____	Use: All
MA (4B)	"Child in need of special education": Professional judgment	Use: None (noncategorical)
MI (2A)	"Preprimary impaired": 50% delay in one area (use only if one of the categories is not clearly differentiated)	Use: All
MN (2B)	"Eligible for early childhood special education": 1.5 SD in two areas *or* Medically diagnosed condition	Use: All
MS (3C)	"Developmental delay": 1.5 SD *or* 25% delay in two areas *or* Diagnosed condition	Omit: Learning disabled, mentally retarded, multiple physical handicaps Modify: Speech/language Use: Vision, hearing impairments, deaf-blind
MO (4A)	"Eligible for early childhood special education": 2 SD in one area (except speech) 1.5 SD in two areas (except fine and gross motor combined) *or* Professional judgment	Use: None (noncategorical)
MT (2B)	"Severe delay in development": 2 SD in one area 1.5 SD in two areas	Use: All
NE (1B)	_____	Modify: Behavior disorder, speech/language, hearing or vision impairments, mentally handicapped, multihandicapped

Table 1, *continued*

State (type)	Preschool-Specific Category/ Classification and Criteria[1]	Use of Part B Categories (Use, Modify, Omit)[2]
NV (2B)	"Developmentally delayed": 2 SD in one area 1 SD in two areas (used as alternative only for mentally retarded, learning disabled, emotionally disturbed)	Use: All
NH (2B)	"Developmental delay": 25% delay in one area (not an option for children who are identified as Deaf, Deaf-Blind, Multihandicapped)	Use: All
NJ (4A)	"Preschool handicapped": Identified handicapping condition or measurable developmental impairment	Use: None (noncategorical)
NM (4A)	"Developmentally disabled": 2 SD in one area DA less than 2/3 CA *or* Established conditions	Use: None. However, state has language indicating that delay is presumed to be due to one of the disabling conditions specified in Part B.
NY (1A)	_____	Use: All
NC (1B)	_____	Modify: Behaviorally-emotionally handicapped; mentally handicapped; specific learning disabled; orthopedically impaired; visually, hearing or other health impaired
ND (1A)	_____	Use: All
OH (4A)	"Preschool child with a disability": 2 SD in one area 1.5 SD in two areas *or* "Documented deficit in vision or hearing"	Use: None (noncategorical)
OK (1A)	_____	Use: All
OR (2B)	"Eligible for early childhood special education": 1.5 SD in two areas	Use: All
PA (2B)	"Developmental delay": 1.5 SD *or* 25% delay in one area	Use: All

Table 1, *continued*

State (type)	Preschool-Specific Category/ Classification and Criteria[1]	Use of Part B Categories (Use, Modify, Omit)[2]
RI (2B)	"Developmental delay": 2 SD *or* 25% delay in one area 1.5 SD in two areas *or* Diagnosed condition	Use: All
SC (3C)	"Developmental delay": 2 SD in one area 1.5 SD in two areas	Omit: Learning disabled, educationally mentally retarded, emotionally disturbed Modify: Speech/language
SD (4B)	"Certified child": professional judgment	Use: None (noncategorical)
TN (2B)	"Developmental delay": 1.5 SD *or* 6%ile in four (of seven) areas for CA 3 and 4 1.5 SD *or* 6%ile in five (of nine) areas for K or 1st grade	Use: All
TX (1A)	————	Use: All
UT (2B)	"Preschool handicapped": 2.5 SD in one area 2 SD in two areas 1.5 SD in three areas *or* Hearing or vision impairment	Use: All
VT (4A)	"Eligible for essential early education": 18 month delay CA 3 to 5 24 month delay CA 5 to 6 *or* "Medical condition"	Use: None (noncategorical)
VA (2B)	"Developmental delay": "significant delay" in one area (guidelines suggest 1 SD *or* 25% delay)	Use: All
WA (3B)	"Developmentally handicapped": child meets criteria for developmental delay - 2 SD in one area 1.5 SD in two areas *or* Part B categories other than learning disabled, emotionally disturbed, mentally retarded	Omit: Learning disabled, mentally retarded, emotionally disturbed
WV (3B)	"Eligible preschool children": 25% delay in two areas	Omit: Learning disabled

Table 1, *continued*

State (type)	Preschool-Specific Category/ Classification and Criteria[1]	Use of Part B Categories (Use, Modify, Omit)[2]
WI (1B)	————	Use: All
WY (3A)	"Developmental disability": 2 SD in one area 1.5 SD in two areas	Omit: Learning disabled